

**27535. Misbranding of Nash's Pain-Go and Nash's Carbolic Salve. U. S. v. 91 Bottles of Nash's Pain-Go and 70 Boxes of Nash's Carbolic Salve. Default decree of condemnation and destruction. (F. & D. Nos. 38450, 38451. Sample Nos. 13636-C, 13637-C.)**

The labeling of these products bore false and fraudulent curative and therapeutic claims and also false and misleading claims regarding their alleged antiseptic properties. The labeling of the Pain-Go was further objectionable because of the false and misleading statement "Snake Oil"; and that of the so-called Carbolic Salve since the name conveyed the impression that the product consisted wholly of phenol and a medium, whereas it contained ingredients other than phenol and a medium.

On or about October 27, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 bottles of Nash's Pain-Go and 70 boxes of Nash's Carbolic Salve at Greenville, Miss., alleging that the articles had been shipped in interstate commerce on or about November 3, 1935, by Nash Bros. Drug Co. from Jonesboro, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Pain-Go consisted essentially of kerosene with small proportions of volatile oils such as turpentine and sassafras oils, and that the carbolic salve consisted essentially of petrolatum with small proportions of phenol, camphor, rosin, and boric acid. Bacteriological tests showed that the articles were not antiseptic.

The Pain-Go was alleged to be misbranded in that the statements (bottle) "antiseptic" and (carton and bottle) "snake oil" were false and misleading since they represented that the article was antiseptic and that it consisted of snake oil; whereas it was not antiseptic and did not consist of snake oil. The carbolic salve was alleged to be misbranded in that the following statements (carton) "Carbolic Salve" and (label) "Antiseptic Dressing," were false and misleading since they represented that the article consisted of phenol, yellow wax, and petrolatum, and that it was antiseptic; whereas it did not consist of phenol, yellow wax, and petrolatum, and was not antiseptic. The articles were alleged to be misbranded further in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Pain-Go, bottle) "Pain-Go \* \* \* Apply in cases of pain," (carton) "Pain-Go \* \* \* unequaled as a rubbing oil for pains and rheumatism and as an external application for \* \* \* stiff joints \* \* \* etc. \* \* \* toothache— \* \* \* bunions and headaches. Pain-Go is indicated to temporarily relieve pain in treatment of rheumatism, \* \* \* lumbago, cuts \* \* \* Sore throat, stiff joints, sore feet, \* \* \* etc.", "Relieves pain"; (carbolic salve, carton) "For \* \* \* General Use," (label) "Antiseptic Dressing for Cuts, \* \* \* salt rheum, tetter, eczema, fever, sores, \* \* \* boils, fellons, pimples."

On May 25, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27536. Misbranding of Poochie Worm Remover. U. S. v. 325 Cases of Poochie Intestinal Worm Remover and Conditioner. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 38532. Sample No. 15100-C.)**

This product was short weight and contained less fat and less protein than declared. The label bore false and fraudulent curative and therapeutic claims.

On November 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 cases of Poochie Worm Remover and Conditioner at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1936, by Poochie Products Co., from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Poochie recommended as an intestinal worm remover and conditioner \* \* \* Manufactured by Poochie Products Co., Tulsa, Oklahoma."

Analysis showed that the article consisted essentially of water, oats, meat, hair, charcoal, and a small amount of fish oil, together with small amounts of chlorides and phosphates of sodium and calcium.

The libel alleged that the article was misbranded in that the following statements, (can) "1 pound net weight \* \* \* Guaranteed analysis crude protein not less than 11%. Crude Fat not less than 7%," were false and misleading since the cans contained less than 1 pound net and the article contained less than 11 percent of crude protein and less than 7 percent of crude fat. The article was alleged to be misbranded further in that the following statements borne on the label, regarding its curative or therapeutic effects, were false and fraudulent: (Can) "Recommended as an Intestinal Worm Remover and Conditioner. \* \* \* Intestinal Worm Remover \* \* \* scientifically prepared to remove intestinal worms from dogs and cats \* \* \* Poochie Intestinal Worm Remover is a conditioner as well as a remedy. \* \* \* To keep your dog in perfect condition feed from 2 to 4 cans each month. Worm and condition your dogs and cats this convenient way"; (carton label) "Worm Remover and Conditioner for Dogs & Cats."

On June 22, 1937, Poochie Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27537. Misbranding of Sixty Minute Worm Expeller. U. S. v. Ernest H. Burfeind (Chemical Products Co.).** Plea of nolo contendere. Fine, \$10. (F. & D. No. 88589. Sample No. 52686-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Burfeind, trading as the Chemical Products Co., Ellsworth, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 13, 1935, from the State of Minnesota into the State of Pennsylvania, and on or about November 23, 1935, from the State of Minnesota into the State of Missouri of quantities of Sixty Minute Worm Expeller which was misbranded. The article was labeled in part: "Chemical Products Co., Ellsworth, Minn."

Analysis showed that it consisted essentially of ground Areca nut and charcoal.

The article was alleged to be misbranded in that certain statements borne on the box label and contained in the circular falsely and fraudulently represented that it was effective as a worm expeller and as a cure for tape worm, and effective to save puppies and cheer up old dogs.

On June 8, 1937, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10 and suspended payment thereof.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27538. Misbranding of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs. U. S. v. Frank M. Spors (Spors Co.).** Plea of guilty. Fine, \$25. (F. & D. No. 38607. Sample Nos. 6405-C, 6408-C, 6410-C, 6411-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects, and that of the Foot Pal bore false and misleading representations regarding its alleged antiseptic properties.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank M. Spors, trading as the Spors Co., Le Center, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 3, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs that were misbranded. The articles were labeled variously: "Foot Pal \* \* \* The Foot-Pal Co., Le Center, Minn."; "Big-Chief Herbs \* \* \* Big-Chief Products Co., Le Center, Minn."; "Minnehaha Indian Herbs \* \* \* Minnehaha Herb Co., Le Center, Minn."

Analyses showed that the Foot Pal consisted essentially of small proportions of sodium salicylate, glycerin, and pine-needle oil, and water colored with a green dye; that the Big Chief Herbs consisted essentially of plant material including lavender flowers and volatile oil of mustard; and that the Minnehaha Indian Herbs consisted essentially of plant material including senna leaves, gentian root, uva-ursi, triticum, and other unidentified plant material. Bac-